

IN THE MATTER OF	:	NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF	:	STATE BOARD OF EXAMINERS
JAMES B. LEDERER	:	ORDER OF REVOCATION
_____	:	DOCKET NO: 525-05/99-204

At its meeting of May 13, 1999, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on January 9, 1997, James B. Lederer had pled guilty to charges of theft by deception in the 3rd degree. On March 20, 1997, Lederer was sentenced to five years' probation and ordered to perform 500 hours of community service (not in the area of public education). In addition, Lederer was barred from being employed or having a role in public education. Lederer is currently the holder of Learning Disabilities Teacher Consultant, School Administrator, School Business Administrator, Teacher of the Handicapped, School Psychologist and Reading Specialist certificates. Upon review of the above information, at that May 1999 meeting, the State Board of Examiners voted to issue an Order to Show Cause to Respondent.

The Board sent Lederer the Order to Show Cause by regular and certified mail on July 9, 1999. The Order provided that if Respondent desired to file an Answer to the Order such Answer must be filed within 20 days. On July 27, 1999, Lederer filed an Answer. In that Answer, Lederer admitted all of the charges. (Answer, ¶¶ 3-5).

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on July 30, 1999, the Board of Examiners sent Lederer a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute, respondent was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate holder. It also

explained that upon review of the charges against him and the legal arguments tendered in his defense, the State Board of Examiners would determine if Lederer's offense warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. On August 20, 1999, Lederer submitted his reply.

In that response, Lederer told the Board of Examiners of his many professional accomplishments as the Superintendent of the Bergen County Special Services School District. (Hearing Response, pp. 1-3). He also explained that his only offense was flying first class rather than coach to a Board-approved educational conference in violation of a Board policy against first class travel. He stated that he repaid the difference in fare shortly after the trip. (Hearing Response, p.4). Lederer also argued that he had been punished enough and requested that his administrative certificates be suspended retroactively for the time he had worked without them. (Hearing Response, Exhibit A).

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Lederer's guilty plea to theft by deception constitutes conduct unbecoming a certificate holder. At its meeting of November 4, 1999, the State Board of Examiners reviewed the charges and papers filed by respondent in response to the Order to Show Cause. After review of Lederer's submissions, the Board of Examiners determined that no material facts related to respondent's offense were in dispute since Lederer admitted that he had pled guilty to the offense charged and had been sentenced accordingly. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. N.J.A.C. 6:11-3.6(a)1.

The State Board of Examiners must now determine whether Lederer's offense as

set forth in the Order to Show Cause, provides just cause to act against his certificates pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

The State Board of Examiners may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. N.J.A.C. 6:11-3.4. In performing this duty the Board is protecting the community interest “in reasonably insuring that those who were entrusted with the care of our children will not be inclined to influence-either directly or by example-in the direction of illegal...activities which undermine values which parents attempt to instill in children in the home.” Knox County Education Association v. Knox County Bd. of Ed., 158 F.3d 361, 375 (6th Cir. 1998), cert. denied _ U.S. __, 120 S. Ct. 46 (1999). Indeed, as one federal court has noted:

[T]eachers occupy a singularly critical and unique role in our society in that for a great portion of a child's life, they occupy a position of immense direct influence on a child, with the potential for both good and bad. Teachers and administrators are not simply role models for children (although we would certainly hope that they would be that). Through their own conduct and daily direct interaction with children, they influence and mold the perceptions, and thoughts and values of children. Teachers and administrators are not some distant societal role models...; rather, on a daily basis, there is a direct nexus between the jobs of teachers and administrators and the influence they exert upon the children who are in their charge. Indeed, directly influencing children is their job. Ibid.

Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), aff'd. 131 N.J.L. 326 (E & A 1944). It is clear that an individual who engages in and pleads guilty to theft by deception has engaged in conduct unbecoming a certificate holder. That conduct is all the more egregious in this case because it occurred

within the context of and pursuant to Lederer's official responsibilities as Superintendent. Obviously the judge who adjudicated Lederer's case reached the same conclusion, for while Lederer received no jail time, his probationary period and community service requirement were both extensive.

In fact, the judge felt that Lederer's offense was so significant that he barred Lederer from being employed or having a role in public education and extended this bar to the performance of Lederer's community service. Faced with that far-reaching prohibition, the Board of Examiners determines that Lederer has indeed engaged in conduct unbecoming a certificate holder. Moreover, the Board finds that Lederer's conduct warrants the revocation of his certificates.

Lederer argues that he has been more than amply punished for his mistake. He also claims that he immediately repaid the local board and that he has already been "fully remorseful." (Hearing Response, Exhibit A, p.1). Furthermore, he contends that since he committed this offense within his capacity as Superintendent and not within the context of his other certifications, those certifications should not be affected.

Notwithstanding Lederer's contentions of rehabilitation, this is not the proper context for such considerations. The purpose of this proceeding is "to permit the individual certificate holder to demonstrate circumstances or facts to counter the charges set forth in the Order to Show Cause, not to afford an opportunity to show rehabilitation." See, In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners, 96 N.J.A.R. 2D (EDE) 1, 16 aff'd App. Div. Dkt. No. A-1246-96T5 (September 9, 1997) citing In the Matter of the Revocation of the Teaching Certificate of James Noll, State Bd. of Examiners decision (February 7, 1990). Thus, the

fact that a remorseful Lederer has reimbursed the local board, while a step in the right direction, has no bearing on the decision the Board of Examiners must make with regard to his certifications. In addition, the judge's bar on Lederer's continued role in public education was absolute and did not distinguish among his many certificates.

Accordingly, it is therefore ORDERED that James B. Lederer's Learning Disabilities Teacher Consultant, School Administrator, School Business Administrator, Teacher of the Handicapped, School Psychologist and Reading Specialist certificates be revoked on this 4th day of November, 1999. It is further ORDERED that Lederer return his certificates to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

Secretary
State Board of Examiners

Date of Mailing: January 14, 2000

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

IBG:MZ:br:jameslederer